NOTE

This Microfiche meets the quality requirements of the American National Standard for Microfiche of Documents (ANSI PH5.9-1975). However, because of imperfections in the document from which it was made, it contains images that are illegible or difficult to read. The source document for this microfiche is the best copy that could be obtained prior to filming.

Congressional Information Service, Inc.
Washington, D.C.

Calendar No. 1015

101ST CONGRESS
2d Session

SENATE

REPORT
101-551

RADON TESTING FOR SAFE SCHOOLS ACT

OCTOBER 22 (legislative day, OCTOBER 2), 1990.—Ordered to be printed

Mr. BURDICK, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 1697]

The Committee on Environment and Public Works, to which was referred the bill (S. 1697) to require local educational agencies to conduct testing for radon contamination in schools, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

GENERAL STATEMENT

The Radon Testing for Safe Schools Act (S. 1697) responds to the serious public health threat posed by exposure of school age children to radon gas. The bill provides for radon testing of schools located in high risk radon areas and provides limited financial assistance to schools for mitigation of high levels of radon.

BACKGROUND

Radon is a naturally occurring, radioactive gas that can seep indoors, cause damage to lung tissue, and increase the risk of lung cancer. According to EPA, radon may cause 20,000 lung cancer deaths in the United States each year, second only to cigarette smoking.

An estimated 10 percent of homes in the United States have radon at levels above the EPA recommended action level (above 4 picocuries per liter of air (pCi/L). Over the past several years, EPA has conducted surveys of radon in homes in some 25 States (see appendix I). These surveys indicate that one home in four nationwide may have radon at levels above the EPA recommended action

S323-28

level. In some States, the percentage of homes with radon above the recommended action level is even higher. Based on this survey data, EPA has recommended that every detached home in the United States be tested for radon.

In April 1989, EPA reproted the results of a preliminary assessment of radon levels in schools. EPA Administrator William Reilly stated at that time:

> Indoor radon is one of the major environmental health threats facing Americans, and I am now recommending that schools nationwide be tested.

The EPA survey included 130 schools in 16 States (see appendix II), 54 percent of which had at least one room with radon levels above the EPA recommended action level. A total of 3,000 classrooms were tested in the survey; 19 percent had radon at levels above the EPA action level and three percent had levels higher than 20 pCi/L. The highest level of radon detected was 136 pCi/L (see appendix III for more detailed data).

EPA found that radon measurements vary from school to school and classroom to classroom. Ground floor classrooms are more of a concern than those on higher levels, because radon permeates indoors from the ground.

EPA concluded that children may be at greater risk from exposure to radon than adults. EPA states:

> Until more data become available, it is prudent to assume that children are at higher risk from exposure to radon than are adults for two reasons. First, children have smaller lung volumes and higher breathing rates, which may result in higher radiation doses to children from a given radon concentration. Second, the probability that a specific dose of radiation will induce cancer may differ with age.

EPA has successfully reduced elevated radon levels in Maryland and Virginia classrooms by using mitigation techniques similar to those used in private residences.

EPA developed an interim report in March 1989 entitled "Radon Measurements in Schools." This report provides background information on radon and health effects, and suggests methods for monitoring radon in schools and taking remedial action, once elevated radon levels are confirmed. EPA plans to issue a final guidance report on radon in schools in the fall/winter 1990.

Proposed Legislation

On September 28, 1989, the Radon Testing for Safe Schools Act (S. 1697) was introduced by Senators Lautenberg, Chafee, Bradley, Moynihan, Lieberman, Conrad, Heinz, Pell, and Dodd. This legislation builds on the Radon in Schools Detection Act, introduced with Senator Chafee in the 100th Congress, and later combined with legislation introduced by Senator Mitchell to form the Radon Program Development Act of 1988 (Public Law 100-551). Similar legislation, H.R. 3370, was introduced in the House on September 28, 1989, by Congressman Gordon.

The Subcommittee on Superfund, Ocean and Water Protection held a hearing on the bill on May 23. The Subcommittee approved a substitute to S. 1697 offered by Chairman Lautenberg at a mark-up on June 28.

The substitute bill reflects changes suggested at the hearing and other comments by interested groups and individuals. There are several key elements in the reported bill—

Guidelines.—New authority is established for EPA to develop guidelines for the testing and remediation of radon in school buildings.

Testing.—The bill provides for radon testing in schools located in designated high risk radon areas. Testing is to be completed by September 30, 1993. The Administrator is given authority to extend the schedule to assure that appropriate guidance is available to support such testing.

Grants for Mitigation.—Schools with high radon levels are eligible for assistance for mitigation. Grants are to be administered by the States. Grants for mitigation may also cover the cost of initial testing.

The authorization for the existing State radon grant program of $10 million per year is extended to 1992 and is increased by $5 million in that year for radon remediation and testing in schools. An additional authorization of $5 million is provided for school assistance in fiscal years 93–96.

Standards.—The bill provides that testing and remediation is to be conducted by individuals and firms trained by the EPA or approved by the EPA proficiency testing program.

Penalties.—The requirements of the bill, which is drafted as an amendment to title III of the Toxic Substances Control Act, are subject to existing authority for citizen suits in TSCA.

Hearings

The Subcommittee on Superfund, Ocean and Water Protection held a hearing on S. 1697 on May 23, 1990. Witnesses at the hearing included representatives of the Environmental Protection Agency, the Surgeon General, the Academy of Pediatrics, the National Education Association, and the New Jersey State Department of Environmental Protection.

Rollcall Votes

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of this bill be announced in this report.

The Committee on Environment and Public Works considered the reported bill at a mark-up on October 4, 1990 and approved the bill by voice vote. No rollcall votes were taken with regard to the bill.

Regulatory Impact

In compliance with rule 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the

effect of the reported bill: It is not expected that there will be any regulatory impact of the reported bill.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment and Control Act requires that each report contain a statement of the cost of the bill prepared by the Congressional Budget Office. That report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 18, 1990.

Hon. QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

Dear MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1697, Radon Testing for Safe Schools Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1697.
2. Bill title: Radon Testing for Safe Schools Act.
3. Bill status: As ordered reported by the Senate Committee on Environmental and Public Works on October 4, 1990.
4. Bill purpose: S. 1697 would establish within the Environmental Protection Agency (EPA) a Radon Testing and Mitigation Assistance Program. The bill would require radon testing in each school building located in areas identified by EPA as having elevated levels of radon. The bill authorizes $5 million initially plus $5 million annually over the 1992–1996 period for EPA to make loans and grants to schools to conduct the required testing and to mitigate radon problems if necessary.
5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Authorization level	5	5	5	5	5
Estimated outlays		2	3	2	5

The costs of this bill fall within budget function 300.

Basis of Estimate: We assume this bill would be enacted early in 1991 and that the full amounts authorized would be appropriated for each fiscal year. Outlays have been estimated based on historical spending patterns for similar programs.

S. 1697 would authorize $5 million initially to be used for loans or grants to schools to conduct the radon testing required by the

bill. An additional $5 million annually would be authorized by the bill to provide loans or grants to schools to undertake radon mitigation measures. We expect grants and loans for radon testing in schools would begin in 1992 when the results of EPA's national survey of radon in schools are expected to be available. Following completion of testing in 1993, we would expect EPA to begin issuing grants and loans to correct radon problems.

To the extent that EPA lends money to schools for testing and radon mitigation activities, we expect that loan repayments to the Treasury would commence after 1995. The bill specifies that any loans provided would bear no interest and would mature within 20 years.

6. Estimated cost to State and local governments: S. 1697 would require testing of school buildings in regions of the country identified by EPA has having elevated levels of radon. There are about 103,000 public and private elementary and secondary schools in the United States. Based on information from EPA, radon testing for a single school building costs an average of about $1,000. The cost of diagnosing and correcting radon problems in schools can vary widely, but typically costs $5,000 to $20,000 per building, based on EPA experience.

Until EPA completes a national survey of radon contamination in school buildings, within one or two years, no one will know how many school buildings are located in areas of the country with elevated radon levels. CBO cannot estimate at this time whether the amounts authorized by the bill would be adequate to complete the amount of radon testing that would be required, or adequate to complete possible mitigation measures.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Kim Cawley (226–2860).

10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

Changes in Existing Law

In compliance with section 12 of the rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman:

TITLE 15, UNITED STATES CODE

INDOOR RADON ABATEMENT

§ 2661. National Goal

* * * * * * *

§ 2662. Definitions

For purposes of this title [15 USCS §§ 2661 et seq.]:

(1) The term "local educational agency" means—

(A) any local educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381);

(B) the owner of any nonprofit elementary or secondary school building; and

(C) the governing authority of any school operated pursuant to section 6 of the Act of September 30, 1950 (64 Stat. 1107 [20 USCS § 241]), relating to impact aid for children who reside on Federal property.

(2) The term "nonprofit elementary or secondary school" has the meaning given such term by section 202(8) [15 USCS § 2642(8)].

(3) The term "radon" means the radioactive gaseous element and its short-lived decay products produced by the disintegration of the element radium occuring in air, water, soil, or other media.

(40 The term "school building" has the meaning given such term by section 202(13) [15 USCS § 2642(13)].

(5) The term "priority radon area" means an area or region of the United States in which, in the judgment of the Administrator, there is a reasonable likelihood of indoor radon levels above the appropriate action level identified pursuant to section 303(b)(1) of this title.

* * * * * * *

§ 2666. Grant assistance to States for radon programs

* * * * * * *

(c) ELIGIBLE ACTIVITIES.—Activities eligible for grant assistance under this section are the following:

(1) Survey of radon levels, including special surveys of geographic areas or classes of buildings (such as, among others, public buildings, school buildings, high-risk residential construction types).

(2) Development of public information and educational materials concerning radon assessment, mitigation, and control programs.

(3) Implementation of programs to control radon in existing and new strucutures.

(4) Purchase by the State of radon measurement equipment or devices.

(5) Purchase and maintenance of analytical equipment connected to radon measurement and analysis, including costs of calibration of such equipment.

(6) Payment of costs of Environmental Protection Agency-approved training programs related to radon for permanent State or local employees.

(7) Payment of general overhead and program administration costs.

(8) Development of a data storage and management system for information concerning radon occurrence levels, and programs.

(9) Payment of costs of demonstration of radon mitigation methods and technologies as approved by the Administrator, including State participation in the Environmental Protection Agency Home Evaluation Program.

(10) A toll-free radon hotline to provide information and technical assistance.

(11) Notwithstanding the limitation in subsection (i)(4), payment, in the form of grants or loans, of costs of implementing remediation measures necessary to prevent levels of radon in school buildings above the appropriate action level identified pursuant to section 303(b)(1) of this title: Provided, That such payments are made in consideration of the financial need of the applicant.

(12) Payment of costs of conducting radon tests required pursuant to section 307(d) of this title: Provided, That such payments shall be made only in the case of a local educational agency which received assistance payment to paragraph (11) of this subsection.

* * * * * * *

(g) ASSISTANCE TO LOCAL GOVERNMENTS.—*(1)* States may, at the Governor's discretion, use funds from grants under this section to assist local governments in implementation of activities eligible for assistance under paragraphs (2), (3), [and (6)] of *(6), (11), and (12)* of subsection (c).

(2) Any remediation measure for reducing radon in school buildings implemented pursuant to this section shall be supervised by a person who has been approved pursuant to the proficiency program established pursuant to section 305(a)(2) of this title.

* * * * * * *

(j) AUTHORIZATION.—(1) There is authorized to be appropriated for grant assistance under this section an amount not to exceed $10,000,000 for each of fiscal years 1989, 1990, and 1991 *and $15,000,000 for fiscal year 1992.*

(2) There is authorized to be appropriated for the purpose of administering the grant program under this section such sums as may be necessary for each of such fiscal years.

(3) Notwithstanding any other provision of this section, not more than 10 percent of the amount appropriated to carry out this section may be used to make grants to any one State.

(4) Funds not obligated to States in the fiscal year for which funds are appropriated under this section shall remain available for obligation during the next fiscal year.

(5) No amount appropriated under this subsection may be used to cover the costs of the proficiency rating program under section 305(a)(2) [15 USCS § 2665(a)(2)].

(6) Of funds appropriated pursuant to this subsection in fiscal year 1992, not more than one third shall be used to implement radon remediation measures for local educational agencies pursuant to paragraphs (11) and (12) of subsection (c) of this section.

(7) Of funds appropriated pursuant to this subsection in fiscal year 1992, the Administrator may reserve an amount up to 2 per centum or $200,000, whichever is the greater, for the purposes of making grants to local educational agencies for implementation of measures to reduce radon levels: Provided, That any such local educational agency is prohibited by State law from receiving grant assistance from the State: Provided further, That the local education-

al agency provides not less than 50 per centum of the cost of implementing such measures from non-Federal sources.

(8) There is authorized to be appropriated for grant assistance under paragraphs (11) and (12) of subsection (c) of this section an amount not to exceed $5,000,000 for each of fiscal years 1993, 1994, 1995, and 1996.

§ 2667. Radon in schools

* * * * * * *

(c) GUIDELINES.—(1) Within one year of the date of enactment of this subsection, the Administrator shall publish guidelines on testing for and remediating radon in school buildings.

(2) After the publication of guidelines pursuant to this subsection, testing and remediation carried out pursuant to this section shall be conducted in a manner consistent with such guidelines.

(3) Any radon testing or remediation of school buildings conducted prior to the publication of guidelines pursuant to this subsection shall be considered to meet the requirements of this section if the testing or remediation is conducted consistent with any interim guidance published by the Administrator or a State where the Administrator determines that such guidelines are substantially consistent with the guidelines published under this subsection.

(d) REQUIREMENT FOR RADON TESTING.—(1) Within two years after designation by the Administrator of an area as a priority radon area each local educational agency located in whole or in part in such designated area shall conduct tests for radon in each school building owned or operated by the local educational agency.

(2) The Administrator may extend the schedule for testing for radon pursuant to this subsection to the date two years from the date of publication of testing guidelines pursuant to subsection (c) of this section.

(3) The Administrator shall, as expeditiously as practicable, designate areas as priority radon areas based on—

(A) surveys of residences for radon; or

(B) the survey required by paragraph (4) of subsection (a) of this section; or

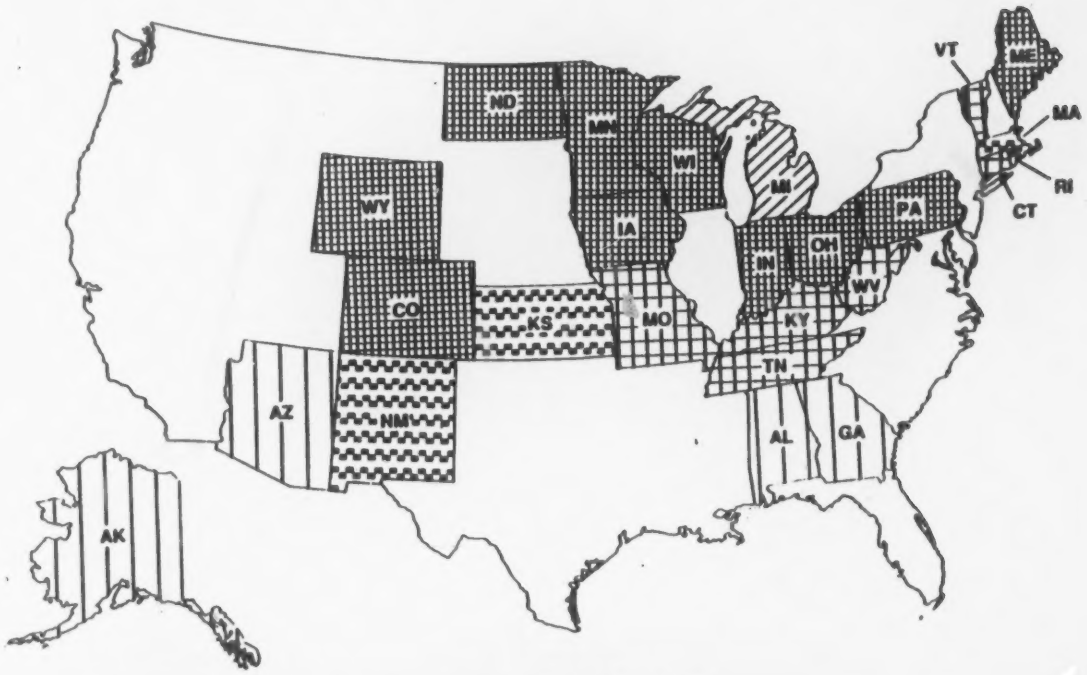
(C) other date, including geological data.

The Administrator shall designate areas pursuant to this paragraph no later than September 30, 1991.

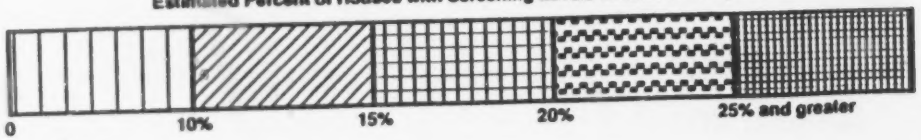
(4) The results of any tests conducted pursuant to this section by a local educational agency shall be available for public review in the administrative offices of the local educational agency during normal business hours. The local educational agency shall notify parent, teacher, and employee organizations of the availability of such results and shall send the results to the Administrator and the agency of the State implementing radon programs.

(5) Any radon testing conducted pursuant to this section shall be supervised by a person who has received instruction pursuant to an EPA or equivalent State approved program, as determined by the Administrator and shall use radon measurement devices and methods approved by the radon proficiency program established pursuant to section 305(a)(2) of this title.

Cumulative State/EPA Indoor Radon Survey Results



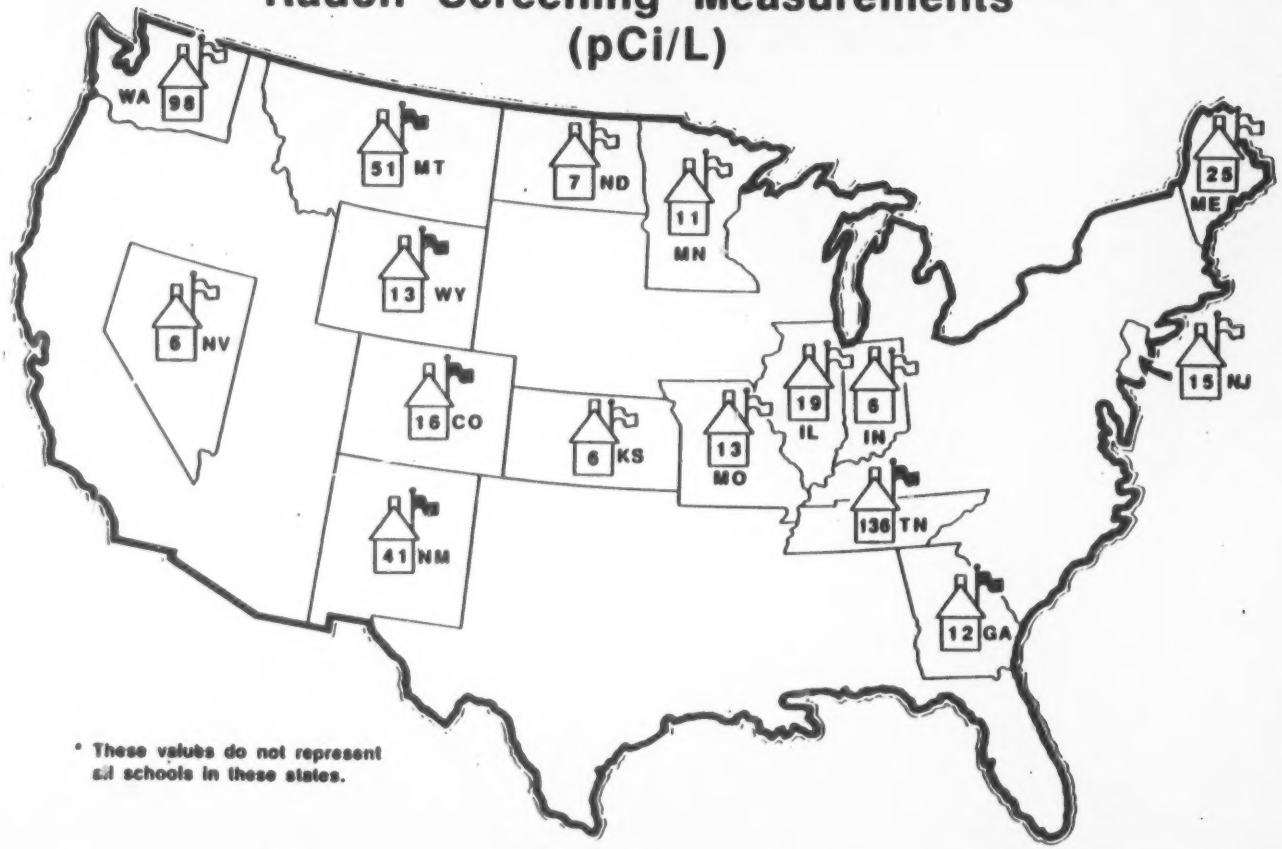
Estimated Percent of Houses with Screening Levels Greater than 4 pCi/L



Note: These results represent screening measurements and should not be used to estimate annual averages or health risks.

9/89

Highest Schoolroom Radon Screening Measurements* (pCi/L)



* These values do not represent all schools in these states.

APPENDIX III

SCHOOL PROTOCOL DEVELOPMENT STUDY - PHASE I
Screening Phase - Radon Measurements
(Ground Contact Rooms)

STATE SUMMARY - BY SCHOOLS

STATE	TOTAL NUMBER OF SCHOOLS	PERCENT ≥4 pCi/L	PERCENT ≥20 pCi/L	MAXIMUM RADON LEVEL (pCi/L)
COLORADO	11	36.4	0.0	15.6
GEORGIA	6	50.0	0.0	12.3
ILLINOIS	6	100.0	0.0	19.2
INDIANA	6	16.7	0.0	6.0
KANSAS	5	40.0	0.0	5.7
MAINE	12	58.3	8.3	24.8
MINNESOTA	14	28.6	0.0	10.7
MISSOURI	11	27.3	0.0	12.6
MONTANA	1	100.0	100.0	50.9
NEVADA	6	33.3	0.0	6.1
NEW JERSEY	9	33.3	0.0	15.3
NEW MEXICO	14	50.0	7.1	40.9
NORTH DAKOTA	4	75.0	0.0	6.9
TENNESSEE	11	100.0	90.9	136.2
WASHINGTON	11	100.0	36.4	97.9
WYOMING	3	66.7	0.0	13.0
U.S. SUMMARY	130	53.8	13.1	136.3

STATE SUMMARY - BY ROOMS

STATE	TOTAL NUMBER OF ROOMS	PERCENT ROOMS READING ≥4 pCi/L	PERCENT ROOMS READING ≥20 pCi/L	MAXIMUM RADON LEVEL (pCi/L)
COLORADO	324	3.4	0.0	15.6
GEORGIA	257	23.0	0.0	12.3
ILLINOIS	110	25.5	0.0	19.2
INDIANA	168	0.6	0.0	6.0
KANSAS	116	18.1	0.0	5.7
MAINE	147	17.7	1.4	24.8
MINNESOTA	293	4.1	0.0	10.7
MISSOURI	215	4.7	0.0	12.6
MONTANA	14	64.3	14.3	50.9
NEVADA	128	5.5	0.0	6.1
NEW JERSEY	342	4.1	0.0	15.3
NEW MEXICO	193	28.5	3.6	40.9
NORTH DAKOTA	140	2.1	0.0	6.9
TENNESSEE	273	81.3	28.2	136.2
WASHINGTON	240	39.2	5.8	97.9
WYOMING	68	19.1	0.0	13.0
U.S. SUMMARY	3028	19.3	3.4	136.3

APPENDIX IV

S. 1697, as reported, follows:

SECTION 1. This Act may be cited as the "Radon Testing for Safe Schools Act".

FINDINGS

SEC. 2. THE CONGRESS FINDS THAT.—(a) Exposure to radon gas causes about 20,000 lung cancer deaths each year.

(b) Radon may be especially hazardous to small children who spend a substantial portion of a day in school buildings.

(c) Testing for and remediation of elevated levels of radon is relatively simple and inexpensive.

(d) Studies by the Environmental Protection Agency indicate that 54 per centum of schools tested above have at least one room with elevated levels of radon and that over 20 per centum of all school rooms tested had elevated levels of radon.

(e) On April 20, 1989, the Administrator of the Environmental Protection Agency issued a national advisory recommending that all schools be tested for radon.

(f) There is a need for improved information on proper methods and procedures for testing and remediation of radon in school buildings.

(g) There is a need for the Federal Government to provide financial assistance to States and local educational agencies for implementation of measures to reduce elevated levels of radon.

REQUIREMENT FOR RADON TESTING IN SCHOOLS

SEC. 3. Section 307 of the Indoor Radon Abatement Act of 1989 (15 U.S.C. 2601 et seq.) is amended by adding at the end thereof the following new subsections:

"(c) GUIDELINES.—(1) Within one year of the date of enactment of this subsection, the Administrator shall publish guidelines on testing for and remediating radon in school buildings.

"(2) After the publication of guidelines pursuant to this subsection, testing and remediation carried out pursuant to this section shall be conducted in a manner consistent with such guidelines.

"(3) Any radon testing or remediation of school buildings conducted prior to the publication of guidelines pursuant to this subsection shall be considered to meet the requirements of this section if the testing or remediation is conducted consistent with any interim guidance published by the Administrator or a State where the Administrator determines that such guidelines are substantially consistent with the guidelines published under this subsection.

"(d) REQUIREMENT FOR RADON TESTING.—(1) Within two years after designation by the Administrator of an area as a priority radon area each local educational agency located in while or in part in such designated area shall conduct tests for radon in each school building owned or operated by the local educational agency.

"(2) The Administrator may extend the schedule for testing for radon pursuant to this subsection to date two years from the date of publication of testing guidelines pursuant to subsection (c) of this section.

"(3) The Administrator shall, as expeditiously as practicable, designate areas as priority radon areas based on—

"(A) surveys of residences for radon; or

"(B) the survey required by paragraph (4) of subsection (a) of this section; or

"(C) other date, including geological data.

The Administrator shall designate areas pursuant to this paragraph no later than September 30, 1991.

"(4) The results of any tests conducted pursuant to this section by a local educational agency shall be available for public review in the administrative offices of the local educational agency during normal business hours. The local educational agency shall notify parent, teacher, and employment organizations of the availabil-

ity of such results and shall send the results to the Administrator and the agency of the State implementing radon programs.

"(5) Any radon testing conducted pursuant to this section shall be supervised by a person who has received instruction pursuant to an EPA or equivalent State approved program, as determined by the Administrator and shall use radon measurement devices and methods approved by the radon proficiency program established pursuant to section 305(a)(2) of this title.".

SEC. 4(a) AUTHORIZATION.—Section 306(j)(1) of the Indoor Radon Abatement Act of 1989 (15 U.S.C. 2601 et. seq.) is amended by inserting after "1991" the following—"and $15,000,000 for fiscal year 1992".

(b) SCHOOL REMEDIATION—Section 306(j) of the Indoor Radon Abement Act of 1989 (15 U.S.C. 2601 et. seq.) is amended by adding at the end thereof the following new paragraphs—

"(6) Of funds appropriated pursuant to this subsection in fiscal year 1992, not more than one third shall be used to implement radon remediation measures for local educational agencies pursuant to paragraphs (11) and (12) of subsection (c) of this section.

"(7) Of funds appropriated pursuant to this subsection in fiscal year 1992, the Administrator may reserve an amount up to 2 per centum or $200,000, whichever is the greater, for the purposes of making grants to local educational agencies for implementation of measures to reduce radon levels: *Provided*, That any such local educational agency is prohibited by State law from receiving grant assistance from the State: *Provided further*, That the local educational agency provides not less than 50 per centum of the cost of implementing such measures from non-Federal sources.

"(8) There is authorized to be appropriated for grant assistance under paragraphs (11) and (12) of subsection (c) of this section an amount not to exceed $5,000.000 for each of fiscal years 1993, 1994, 1995, and 1996.".

(c) GRANT ELIGIBILITY.—Section 306(c) of the Indoor Radon Abatement Act of 1989 (15 U.S.C. 2601 et. seq.) is amended by adding at the end thereof the following new paragraphs—

"(11) Notwithstanding the limitation in subsection (i)(4), payment, in the form of grants or loans, of costs of implementing remediation measures necessary to prevent levels of radon in school buildings above the appropriate action level identified pursuant to section 303(b)(1) of this title: *Provided*, That such payments are made in consideration of the financial need of the applicant.

"(12) Payment of costs of conducting radon tests required pursuant to section 307(d) of this title: *Provided*, That such payments shall be made only in the case of a local educational agency which received assistance payment to paragraph (11) of this subsection.".

(d) CLARIFICATION.—Section 306(g) of the Indoor Radon Abatement Act of 1989 (15 U.S.C 2601 et seq.) is amended by striking "and (6)" and inserting in lieu thereof "(6), (11), and (12)".

(e) TESTING AND REMEDIATION STANDARDS.—(1) Section 306(g) of the Indoor Radon Abatement Act of 1989 (15 U.S.C. 2661 et seq.) is amended by inserting after "Governments.—"the following "(1)" and inserting at the end thereof the following new paragraph—

"(2) Any remediation measures for reducing radon in school buildings implemented pursuant to this section shall be supervised by a person who has been approved pursuant to the proficiency program established pursuant to section 305(a)(2) of this title.".

DEFINITION

SEC. 5. Section 302 of the Indoor Radon Abatement Act of 1989 (15 U.S.C. 2601 et. seq.) is amended by adding at the end thereof the following new paragraph—

"(5) The term 'priority radon area' means an area or region of the United States in which, in the judgment of the Administrator, there is a reasonable likelihood of indoor radon levels above the appropriate action level identified pursuant to section 303(b)(1) of this title.".

PREEMPTION

SEC. 6. (a) CONSTRUCTION OF PROVISIONS AS NOT PREEMPTING OTHER LAWS.—Nothing in this title shall be construed, interpreted, or applied to preempt, displace, or supplant any other State or Federal law, whether statutory or common.

(b) AWARD OF COSTS AND DAMAGE AWARDS.—Nothing in this title shall be construed or interpreted to preclude any court from awarding costs and damages associ-

ated with the testing or mitigation of radon contamination, or a portion of such costs, at any time.

(c) CONSTRUCTION OF PROVISIONS AS NOT PROHIBITING MORE STRINGENT STATE REQUIREMENTS.—Nothing in this title shall be construed or interpreted as preempting a State from establishing any liability or more stringent requirements with respect to radon in school buildings within such State.

(d) CREATION OF CAUSE OF ACTION.—Nothing in this title creates a cause of action or in any other way increases or diminishes the liability of any person under any other law.

(e) EFFECT OF PROVISIONS IN CIVIL ACTIONS FOR DAMAGES.It is not the intent of Congress that this subsection or rules, regulations, or orders issued pursuant to this subsection be interpreted as influencing, in either the plaintiff's or defendant's favor, the disposition of any civil action for damages relating to radon. This subsection does not affect the authority of any court to make a determination in any adjudicatory proceedings under applicable State law with respect to the admission into evidence or any other use of this title or rules, regulations, or orders issued pursuant to this title.

○